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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA, DEPARTMENT
OF FISH AND GAME,

Plaintiff,

v.

FEDERAL SUBSISTENCE BOARD,
et al.,

Defendants,

and

ORGANIZED VILLAGE OF KAKE,

Intervenor-Defendant.

Case No.: 3:20-cv-00195-SLG

**STATE OF ALASKA'S
NOTICE OF SUPPLEMENTAL
AUTHORITY**

The State of Alaska files this Notice of Supplemental Authority under Local Civ. R. 7.1(d)(1) to bring this court's attention to two decisions of the United States Supreme Court issued since the time the parties filed briefs in this litigation. Both decisions address the "major questions doctrine," affirming the

State's position that a federal agency has only those powers given by Congress in enabling legislation.

The relevant Supreme Court decisions are *West Virginia v. E.P.A.*, 142 S.Ct 2587 (2022) and *Nat'l Fed'n of Indep. Bus. v. Dep't of Labor, OSHA*, 142 S.Ct. 661 (2022).

These cases pertain to Alaska's Opening Brief, ECF 49 at 8, 11-15, 26-39, and Reply Brief at ECF 62 at 7-19.

DATED: March 29, 2023.

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By: /s/ Cheryl R. Brooking
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CERTIFICATE OF SERVICE

I certify that on **March 29, 2023**, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

/s/ Leilani J. Tufaga

Leilani J. Tufaga, Law Office Assistant III